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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,367	01/10/2002	Robert K. Galkiewicz	57384US002	8238
32692	7590	01/12/2005		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 01/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/044,367

Applicant(s)

GALKIEWICZ ET AL.

Examiner

Nasser Ahmad

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9-35,38-40,42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-7,9-33,35 and 38-40 is/are allowed.
- 6) ☒ Claim(s) 34,42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Rejections Withdrawn

1. Claims 1, 4-7, 9-17, 30-33 and 40 rejected under 35 USC 102(b) as being anticipated by Calhoun in view of the amendment filed on October 19, 2004.
2. Claims 1, 4-7, 9-33, 35 and 38-40 rejected under 35 USC 103(a) as being unpatentable over Calhoun in view of the amendment.

Allowable Subject Matter Withdrawn

3. Claims 8, 34 and 41 indicated as being allowable in the last Office Action of July 22, 2004 in view of applicant's amendment and of the newly discovered prior art.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 4-7, 9-35, 38-40, 42 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 34, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Calhoun (5589246).

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Calhoun relates to an article (figure-1) comprising an adhesive layer (16), a backing layer (reverse surface of the carrier film when in a roll form or carrier film of the adjacent article when in a stacked form) associated with said adhesive layer and a release liner layer (11). The release liner can have one or both its surfaces embossed to exhibit raised and recessed portions (col. 6, lines 61-67). The back surface of the carrier film can have release liner or coating thereon (col. 11, lines 55-60). The depth of the recesses can be normally less than 0.25 mm, which includes the claimed range of at least 4 mils height. The carrier film can have adhesive coating on one or both of its embossed surfaces. The reference also teaches a method of releasing the article from a substrate.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 34, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (5344693).

Sanders relates to an article (figure-4) comprising an adhesive layer (29), a backing layer associated with the adhesive layer (25), and a release liner layer (layer 25 of the adjacent article when in a wound form). The backing is embossed with a plurality of protrusions (28) that penetrate the adhesive layer to make substantial contact with the

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release liner layer. However, Sanders fails to teach that the height of the protrusions is at least 4 mils. Calhoun, as discussed above, teaches the advantage of using protrusion heights of 0.25 mm or less to keep the adhesive from contacting the release liner layer. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Calhoun's teaching of providing protrusion height of 0.255mm or less in the invention of Sanders with the motivation to provide for facilitating removal of the adhesive surface from the applied surface or when unwinding.

Allowable Subject Matter

9. Claims 1, 4-7, 9-33, 35 and 38-40 are allowed.

The prior art uncovered so far fails to teach or suggest that the release liner comprises a first surface that is embossed to provide a plurality of outwardly extending projections that penetrates the adhesive layer to make substantial contact with the backing layer, and wherein said adhesive layer does not contact the land between the protrusions of the release liner layer.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
January 10, 2005.